

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 236

HOUSE BILL 2786

AN ACT

AMENDING SECTION 32-3201, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3210; RELATING TO HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-3201, Arizona Revised Statutes, is amended to
3 read:
4 32-3201. Definitions
5 In this chapter, unless the context otherwise requires:
6 1. "Health profession regulatory board" means any board that regulates
7 one or more health professionals in this state.
8 2. "Health professional" means a person who is certified or licensed
9 pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25,
10 28, 29, 33, 34, 35, 39, 41 or 42 of this title, title 36, chapter 4, article
11 6, title 36, chapter 6, article 7 or title 36, chapter 17.
12 3. "MEDICAL RECORD" HAS THE SAME MEANING PRESCRIBED IN SECTION 12-2291
13 BUT DOES NOT INCLUDE PRESCRIPTION ORDERS.
14 Sec. 2. Title 32, chapter 32, article 1, Arizona Revised Statutes, is
15 amended by adding section 32-3210, to read:
16 32-3210. Medical records; protocol; unprofessional conduct;
17 corrective action; exemption
18 A. A HEALTH PROFESSIONAL MUST PREPARE A WRITTEN PROTOCOL FOR THE
19 SECURE STORAGE, TRANSFER AND ACCESS OF THE MEDICAL RECORDS OF THE HEALTH
20 PROFESSIONAL'S PATIENTS. AT A MINIMUM THE PROTOCOL MUST SPECIFY:
21 1. IF THE HEALTH PROFESSIONAL TERMINATES OR SELLS THE HEALTH
22 PROFESSIONAL'S PRACTICE AND THE PATIENT'S MEDICAL RECORDS WILL NOT REMAIN IN
23 THE SAME PHYSICAL LOCATION, THE PROCEDURE BY WHICH THE HEALTH PROFESSIONAL
24 SHALL NOTIFY EACH PATIENT IN A TIMELY MANNER BEFORE THE HEALTH PROFESSIONAL
25 TERMINATES OR SELLS THE HEALTH PROFESSIONAL'S PRACTICE IN ORDER TO INFORM THE
26 PATIENT REGARDING THE FUTURE LOCATION OF THE PATIENT'S MEDICAL RECORDS AND
27 HOW THE PATIENT CAN ACCESS THOSE RECORDS.
28 2. THE PROCEDURE BY WHICH THE HEALTH PROFESSIONAL MAY DISPOSE OF
29 UNCLAIMED MEDICAL RECORDS AFTER A SPECIFIED PERIOD OF TIME AND AFTER THE
30 HEALTH PROFESSIONAL HAS MADE GOOD FAITH EFFORTS TO CONTACT THE PATIENT.
31 3. HOW THE HEALTH PROFESSIONAL SHALL TIMELY RESPOND TO REQUESTS FROM
32 PATIENTS FOR COPIES OF THEIR MEDICAL RECORDS OR TO ACCESS THEIR MEDICAL
33 RECORDS.
34 B. THE PROTOCOL PRESCRIBED IN SUBSECTION A OF THIS SECTION MUST COMPLY
35 WITH THE RELEVANT REQUIREMENTS OF TITLE 12, CHAPTER 13, ARTICLE 7.1 REGARDING
36 MEDICAL RECORDS.
37 C. A HEALTH PROFESSIONAL SHALL INDICATE COMPLIANCE WITH THE
38 REQUIREMENTS OF THIS SECTION ON THE HEALTH PROFESSIONAL'S APPLICATION FOR
39 RELICENSURE IN A MANNER PRESCRIBED BY THE HEALTH PROFESSIONAL'S REGULATORY
40 BOARD.
41 D. A HEALTH PROFESSIONAL WHO DOES NOT COMPLY WITH THIS SECTION COMMITS
42 AN ACT OF UNPROFESSIONAL CONDUCT.
43 E. IN ADDITION TO TAKING DISCIPLINARY ACTION AGAINST A HEALTH
44 PROFESSIONAL WHO DOES NOT COMPLY WITH THIS SECTION, THE HEALTH PROFESSIONAL'S
45 REGULATORY BOARD MAY TAKE CORRECTIVE ACTION REGARDING THE PROPER STORAGE,

1 TRANSFER AND ACCESS OF THE MEDICAL RECORDS OF THE HEALTH PROFESSIONAL'S
2 PATIENTS. FOR THE PURPOSES OF THIS SUBSECTION, CORRECTIVE ACTION DOES NOT
3 INCLUDE TAKING POSSESSION OR MANAGEMENT OF THE MEDICAL RECORDS.

4 F. FOR THE PURPOSES OF THIS SECTION, HEALTH PROFESSIONAL DOES NOT
5 INCLUDE A VETERINARIAN.

6 G. THIS SECTION DOES NOT APPLY TO A HEALTH PROFESSIONAL WHO IS
7 EMPLOYED BY A HEALTH CARE INSTITUTION AS DEFINED IN SECTION 36-401 THAT IS
8 RESPONSIBLE FOR THE MAINTENANCE OF THE MEDICAL RECORDS.

APPROVED BY THE GOVERNOR APRIL 28, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2006.

